

II. REMARKS

A. Introduction

In this Office Action, claims 1-8 are noted as pending and are rejected.

In summary of this Response, the written description has been amended by a minor extent to improve its clarity, claims 1, 2, 4, 5, 7, and 8 are amended, and remarks are provided.

B. Request for Acknowledgement of Priority Document

Applicant made a claim for foreign priority and filed a certified copy of the priority document with the application on the filing date. It is respectfully requested that the claim and certified copy be acknowledged.

C. The Present Invention

The amended claims recite unique features including using the buyer's credit card information, not to make payment, but to ensure payment.

The present invention allows a buyer to choose bank money transfer as the primary payment method over credit card payment. When this choice is made, the buyer receives instructions ("payment information") including information about a bank account of the seller into which the buyer is requested to transfer the money by other means than the registered credit card account before a specified deadline expires. See, e.g., claim 1's recitation of the "payment information notifying means." While the transaction-detail registering means has the buyer's credit card information, that information is not used for the payment, at least initially. The charging means for the transaction relies upon the credit card account of the buyer is issued only after the "payment confirming means" finds that the requested money transfer to the seller's bank account has not been made by the set deadline.

The present invention provides the following significant advantages. Most sales transaction systems require a buyer to choose a specific payment method that he/she desires. Conventionally, when "bank transfer" is chosen, the seller won't ship the order until the seller confirms the money is available. According to the present invention, however, the seller would never be reluctant to ship the order, even before the bank money transfer is made, because the "charging means" provides a backup or safeguard for the payment. That is, the transaction supporting apparatus of the present invention enables a seller to offer a new service for their customers, i.e., immediate shipment upon receipt of an order, regardless of ultimate payment methods.

D. Rejection of Claims 1-3, 7 and 8 Under 35 U.S.C. § 103

These claims are rejected as being made obvious by Shkedy, U.S. Patent No. 6,260,024.

For the following reasons, it is respectfully submitted that claims 1-3, 7 and 8, as amended herein, were not rendered obvious by the cited prior art.

Initially, the Action admits that Shkedy fails to teach or disclose the step of using a payment confirming means to confirm that the payment has not been made by the deadline. In addition, the buyer in Shkedy selects one payment method and the central controller checks to make sure there is enough money/credit in the designated account, e.g., a credit card, and that amount is “locked” so the buyer can’t use it for other purposes, pending completion of the transaction. If the buyer designates a credit card where there is insufficient credit, the controller requires another card and checks the credit thereof. Without the funds available, the buyer can’t buy. See, e.g., steps 600-607 in Fig. 6. Similarly, if the buyer designates a bank account for transfer, if there are insufficient funds prior to purchase, the transaction is not allowed: there is no teaching of defaulting to a credit card account in such a situation. See, e.g., Col. 18, line 37 to Col. 19, line 8. See also, Col. 11, lines 18-20, Col. 14, line 53 to Col. 15, line 5, Col. 18, lines 16-22. There does not appear to be any back-up or safeguard use of a credit card in Shkedy, should a designated money transfer not be made. It also appears that same is unnecessary as Shkedy effectively “pre-approves” the buyer and puts a hold on the money to be used to pay the seller. Thus, while it might be known generally to check in various transactions whether a payment has been made, as suggested by the Examiner, same would not appear to be necessary in Shkedy, so at a minimum, adding such a step to Shkedy would not be obvious to one of ordinary skill. Thus, Shkedy simply lacks a teaching of at least the “payment information notifying means” and the “charging means” recited herein.

E. Rejection of Claim 5 Under 35 U.S.C. §103

This claim is rejected as being made obvious by a combination of Shkedy and Pitroda, U.S. Patent No. 5,590,038.

It is respectfully submitted that this claim, as amended herein, was not rendered obvious by the cited references for the following reasons.

The Action admits that Shkedy fails to teach at least means for making a transfer and the charging means.

Claim 5 recites the case where the buyer specifies his/her bank account for withdrawal of money by the seller. The Office Action indicates that Pitroda discloses that a buyer provides

more than one account in which to make a payment. While the universal electronic transaction card of Pitroda may hold data for a plurality of payment accounts of the buyer, Pitroda merely discloses using one of those accounts for each particular payment. See, e.g., Abstract, wherein it is stated: "provides the user with a number of graphical images which enable the user to selectively chose the type of "credit card" to use for a transaction, and to then choose a particular credit card to use with the transaction." Also compare Figs. 12 and 13 with 14-17.

Thus, Pitroda, like Shkedy discussed above, fails to teach that the buyer specifies both his/her bank account and the backup credit card account as recited in claim 5.

F. Rejection of Claims 4 and 6 Under 35 U.S.C. §103

These claims are rejected as being made obvious by a combination of Shkedy and Martinez, U.S. Patent No. 5,208,446.

Again, it is respectfully submitted that these claims were not rendered obvious by the cited references for the following reasons.

Claims 4 and 6 recite the interface with a delivery service agent, which is acknowledged to be missing from Shkedy, but Martinez is cited for teaching same.

The comments above regarding amended claim 1, from which claims 4 and 6 depend, are expressly included herein. Most particularly, claim 1 recites the use of a credit card only if payment is not made otherwise, and Martinez lacks any teaching of this possibility and necessarily is based on the premise that a credit card will be used for the transaction. Martinez also merely verifies credit card or other financial transaction data that has already been given to the seller: the reference does not teach obtaining the card information for the first time, i.e., at the first transaction with the buyer. See, e.g., Col. 3, lines 20-34..

Thus, regardless of any teaching of Martinez regarding a delivery person getting credit card information upon delivery, it is respectfully submitted that this reference fails to compensate for the incomplete teaching of Shkedy, discussed above.

III. CONCLUSION

In light of the above amendments and remarks, it is respectfully submitted that claims 1-8 are now in condition for allowance.

If there are any additional fees associated with this Response, please charge same to our Deposit Account No. 19-3935.

Finally, if there are any formal matters remaining after this Response, the undersigned would appreciate a telephone conference with the Examiner to attend to these matters.

Respectfully submitted,

STAAS & HALSEY LLP

Date: _____

6/14/05

By: _____



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the
Thank you for ~~your~~ choosing ^{the} intermediary system presented by The Chukai Co. Ltd. We are proud of our ~~own~~ sophisticated system that allows you to receive your purchased products in advance of payment and to pay a fee as low as a bank remittance fee. We hope you will enjoy shopping.

The Details of Your Transaction:

Transaction Number : 2000-08-20-0001

Seller : OX Personal Computer Inc.

Products You Purchase:

(1) Digital video camera DV10 ¥112,000

(2) Personal Computer PC 20 ¥240,000

Consumption Tax ¥17,600

Total ¥369,600

Please confirm the above description and click the following URL. We will invite you ^{to} a page for your private use. Please use the following series of letters as password:
SDFJOJf2

<http://www.chuhkai.com/touroku/>

If there is an error, please click the following URL and use the following series of letters as keyword. Then, we will discard this transaction number and contact a sales company.
FSDFOHOJ

<http://www.chuhkai.com/kaijo/>

Thank you for ~~your~~ joining our system

FIG. 4



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Internet Register

Ch u h k a i

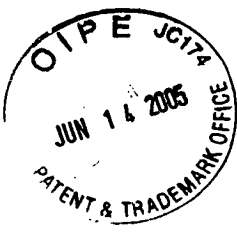
Thank you for ~~you~~ joining us.
Please enter your transaction number
and password.

Transaction Number 30a

Password 30b

30c

FIG. 5



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Internet Register

Chuhkai

as

Please specify a category ~~into~~ membership
or non-membership.

☐ Membership 40a

☒ Non-Membership 40b

OK 40c

FIG. 6

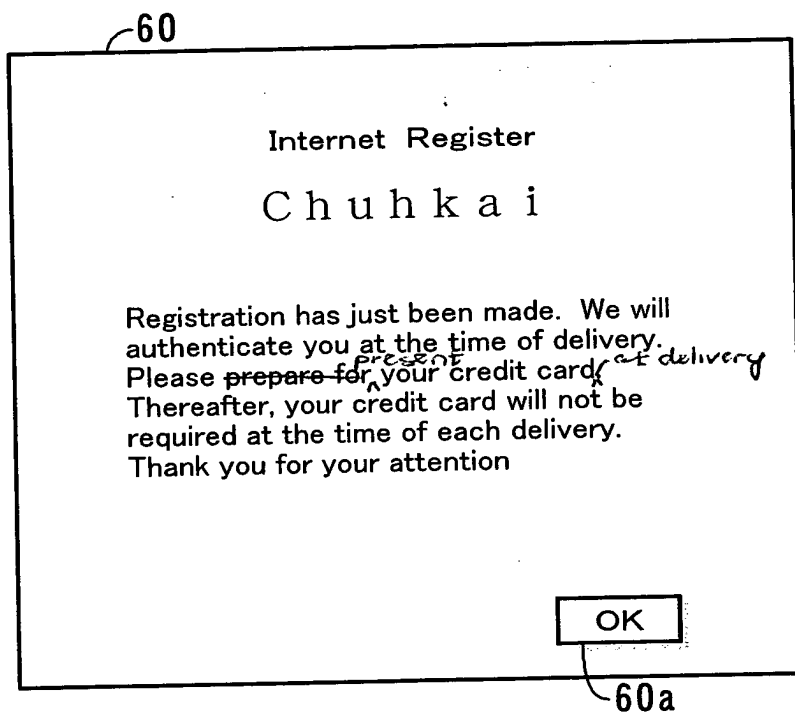


FIG. 8



Thank you for joining us. Please be advised that products assigned transaction number 2000-08-20-0001 will be delivered on August 30. You are requested to make payment of the products to the following ~~our~~ bank account within one week after you receive ^{delivery}.

Account:

Bank of ○△, Shinjuku Branch
Ordinary Deposit 123456

Amount:

¥ 369, 600

Please be advised that, if your bill is still unsettled after a period of one week expires, we will charge ~~for~~ the outstanding amount ^{to} via your credit card with a fee (8% of the amount) added.

The Chuhkai Co. Ltd.

FIG. 9



Application No. 09/804,039
Amendment Dated June 14, 2005
Reply to Office Action dated March 14, 2005
Docket No.: 1095.1166
ANNOTATED SHEET SHOWING CHANGES

Dear Mr. EDOGAWA,

We would like to remind you that the outstanding amount of ¥369,600 of products assigned transaction number 2000-08-20-0001 is still unsettled. Please note that we will charge for the outstanding amount via your credit card with a fee (8% of the amount) added unless payment is made. Your prompt payment of your account would be appreciated.

The Chuhkai Co. Ltd.

FIG. 11



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Internet Register

Chuhkai

Thank you for ~~you~~ choosing Chuhkai.com. You have been registered as our member (~~fee~~^{free} of charge). If you ~~enter~~^{with a log in} the following items of information ~~on and after~~ the next transaction, your procedure will be simplified. Please make a note and save carefully.

If you click the file save button that appears below, you can save a file with your membership number and password written therein in your preferable area in text format.

Membership Number : 654321
Password : ABCDEF

75a

75b

FIG. 13



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Internet Register

Chuhkai

You are allowed to specify your preferable destination address ^{for this} in transaction ~~except~~ ^{unless this is} ~~that performed for the first time.~~ ^{your first} Please fill in the following. ^{transaction}

Delivery Destination

77a ☐ Address on membership registration

77b ☒ Address other than registration

Name : 77c

Address : 77d

Telephone Number : 77e

77f

FIG. 15

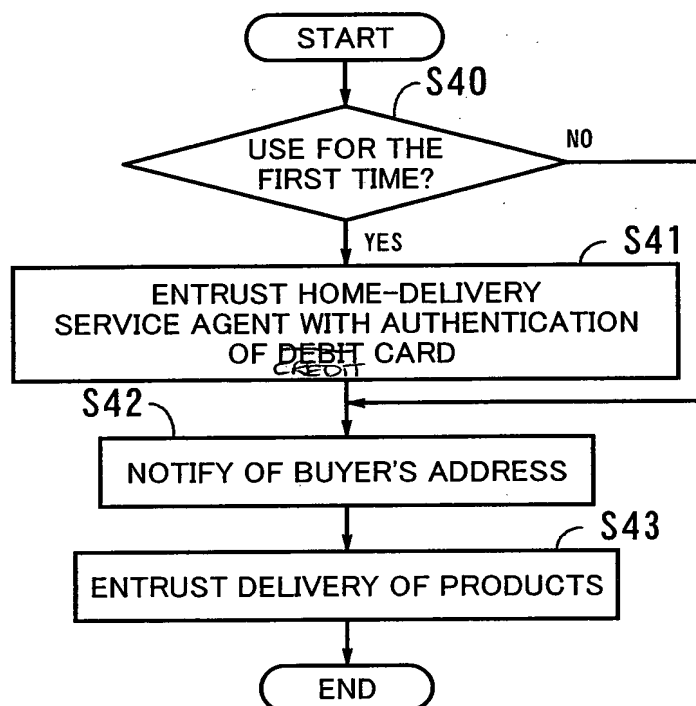


FIG. 18